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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,497

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Kavita Kamani

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10/10/2006

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EXAMINER

WILSON, YOLANDA L

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,497

Applicant(s)

KAMANI ET AL.

Examiner

Yolanda L. Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Second Detailed Action***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6,8,9,11-19,21-32,34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bischof et al. (US Publication Number 20040041827A1). As per claim 1, Bischof et al. discloses an act of receiving actual test results, the actual test results being generated as a result of performing a test in a test environment; and act of receiving environmental data that defines the test environment under which the actual test results are generated; in response to the received environmental data, an act of selecting one or more expected test results from a results retrieval sub-system that includes a plurality of expected test results for the same test executed in different test environments, each of the plurality of expected test results being keyed by environmental conditions representing a particular test environment for comparing with the received environmental data when attempting to find a match therewith; and an act of evaluating the actual test results against the selected one or more expected test results to determine if the test was successfully performed in the test environment on page 14, paragraph 0054 and on page 4, paragraph 0034.

2. As per claim 2, Bischof et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results that were collected at a results collection sub-system on page 14, paragraph 0054.
3. As per claim 3, Bischof et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results from the test module that generated the actual test results on page 14, paragraph 0054.
4. As per claim 4, Bischof et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results generated from testing a software object on page 14, paragraph 0054.
5. As per claim 5, Bischof et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving test results that were generated in an environment having one or more environmental conditions that match the test environment on page 14, paragraph 0054 and on page 4, paragraph 0034.
6. As per claim 6, Bischof et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving expected test results from a plurality of test entries in a results database, the expected results from each test entry being results that indicate the test was successful in the test environment on page 14, paragraph 0054 and on page 4, paragraph 0034. That is what the comparison of the actual and expected test results are used to determine.
7. As per claim 8, Bischof et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of

comparing field values in the actual test results to field values in the expected test results on page 14, paragraph 0054 and on page 4, paragraph 0034. The field values are the parameters output as the test result.

8. As per claim 9, Bischof et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of determining if one or more actions were performed on page 14, paragraph 0054 and on page 4, paragraph 0034. One of the types of test cases the results can be output for.

9. As per claim 11, Bischof et al. discloses further comprising an act of sending the environmental data along with a test type indication to the results retrieval sub-system on page 14, paragraph 0054 and on page 4, paragraph 0034.

10. As per claim 12, Bischof et al. discloses wherein the act of receiving environmental data that defines the test environment under which actual test results are generated comprises an act of receiving environmental data from an environment discovery module on page 14, paragraph 0054 and on page 4, paragraph 0034.

11. As per claim 13, Bischof et al. discloses wherein the act of receiving environmental data that defines the test environment under which actual test results are generated comprises an act of receiving environmental data from the test module that executed the test on page 14, paragraph 0054 and on page 4, paragraph 0034.

12. As per claim 14, Bischof et al. discloses an act of sending a results update to the results retrieval sub-system, the results update including at least the actual test results on page 14, paragraph 0054 and on page 4, paragraph 0034.

13. As per claim 15, Bischof et al. discloses an act of sending evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and an indication of whether the test was successful on page 14, paragraph 0054 and on page 4, paragraph 0034.

14. As per claim 16, Bischof et al. discloses receiving environmental data that defines a test environment under which actual test results are generated indicating that a test was performed in the test environment; in response to the received environmental data, selecting one or more expected test results from a results database that includes a plurality of expected test results for the same test executed in different test environment; and sending the selected one or more expected test results to a results evaluation sub-system in response to receiving the environmental data, wherein each of the one or more expected test results are keyed by environmental conditions representing one or more particular test environments for comparison with the received environmental data when attempting to find a match therewith on page 14, paragraph 0054 and on page 4, paragraph 0034.

15. As per claim 17, Bischof et al. discloses wherein the act of receiving environmental data that defines a test environment comprises an act of receiving environmental data from a results collection sub-system on page 14, paragraph 0054.

16. As per claim 18, Bischof et al. discloses wherein the act of receiving environmental data that defines a test environment comprises an act of receiving environmental data from a results evaluation sub-system on page 14, paragraph 0054.

17. As per claim 19, Bischof et al. discloses wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving environmental data that represents the test environment on page 14, paragraph 0054.

18. As per claim 21, Bischof et al. discloses wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment represented by the environmental data on page 14, paragraph 0054 and on page 4, paragraph 0034.

19. As per claim 22, Bischof et al. discloses wherein the act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment represented by the environmental data comprises receiving an indication that a software object was tested in an environment represented by the environmental data on page 14, paragraph 0054 and on page 4, paragraph 0034

20. As per claim 23, Bischof et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of comparing environmental conditions stored in the results database to environmental conditions represented in the received environmental data on page 14, paragraph 0054.

21. As per claim 24, Bischof et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data

Art Unit: 2113

comprises an act of selecting one or more expected results having a corresponding environmental condition that must match an environmental condition contained in the received environmental data on page 14, paragraph 0054.

22. As per claim 25, Bischof et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting one or more expected that with corresponding environmental conditions having a specified commonality to environmental conditions contained in the received environmental data on page 14, paragraph 0054 and on page 4, paragraph 0034.

23. As per claim 26, Bischof et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting a plurality of expected results from the results database on page 14, paragraph 0054 and on page 4, paragraph 0034.

24. As per claim 27, Bischof et al. discloses an act of receiving a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and an act of storing the actual results in the results database such that the actual results can be used to determine the successful of subsequently executed tests on page 14, paragraph 0054 and on page 4, paragraph 0034.

25. As per claim 28, Bischof et al. discloses receive actual test results, the actual test results being generated as a result of performing a test in a test environment; receive environmental data that defines the test environment under which the actual test results



are generated; in response to the received environmental data, select one or more expected test results from a results retrieval sub-system that includes a plurality of expected test results for the same test executed in different test environments, each of the plurality of expected results being keyed by environmental conditions for comparison with the received environmental data when attempting to find a match therewith; and evaluate the actual test results against the one or more expected test results to determine if the test was successfully performed in the test environment on page 14, paragraph 0054 and on page 4, paragraph 0034.

26. As per claim 29, Bischof et al. discloses send the environmental data along with a test type indication to the results retrieval sub-system for determining if a match exists between the environmental conditions and the plurality of expected test results on page 14, paragraph 0054 and on page 4, paragraph 0034.

27. As per claim 30, Bischof et al. discloses send a results update to the results retrieval sub-system, the results update including at least the actual test results on page 14, paragraph 0054 and on page 4, paragraph 0034.

28. As per claim 31, Bischof et al. discloses send evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and indication of whether the test was successful on page 14, paragraph 0054 and on page 4, paragraph 0034.

29. As per claims 32,36, Bischof et al. discloses wherein the one or more computer-readable storage media are physical media on page 14, paragraph 0055.

30. As per claim 34, Bischof et al. discloses receive environmental data that defines a test environment under which actual test results are generated indicating that a test was performed in the test environment; in response to the received environmental data, select one or more expected results from a results database that includes a plurality of expected test results for the same test executed in different test environments; and send the selected one or more expected test results to a results evaluation sub-system in response to receiving the environmental data, wherein each of the one or more expected test results are keyed by environmental conditions representing one or more particular test environments for comparison with the received environmental data when attempting to find a match therewith on page 14, paragraph 0054 and on page 4, paragraph 0034.

31. As per claim 35, Bischof et al. discloses receive a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and store the actual results in the results database such that the actual results can be used to determine the successful of subsequently executed tests on page 14, paragraph 0054 and on page 4, paragraph 0034.

### ***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bischof et al. in view of Silva et al. (USPN 6223306B1). As per claim 7, Bischof et al. fails to explicitly state wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system.

Clark discloses this limitation in column 4, lines 14-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system. A person of ordinary skill in the art would have been motivated to have the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system because the user will want to analyze personally whether or not the software tested passed or failed.

34. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bischof et al. in view of Kamani et al. (US Publication Number 20050015666 A1).

Art Unit: 2113

35. As per claim 10, Bischof et al. discloses fails to explicitly state wherein the act of determining if one or more actions were performed comprises an act of determining if one or more actions were performed in a specified order.

Kamani et al. discloses this limitation on page 5, paragraph 0047.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of determining if one or more actions were performed comprises an act of determining if one or more actions were performed in a specified order. A person of ordinary skill in the art would have been motivated to have the act of determining if one or more actions were performed comprises an act of determining if one or more actions were performed in a specified order because the user will want to know whether or not the software tested on the platform passed or failed.

36. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bischof et al. in view of Banerjee et al. (US Publication Number 2004/0250243A1).

37. As per claim 20, Bischof et al. fails to explicitly state wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system.

Banerjee et al. discloses this limitation on page 4, paragraph 0057.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving environmental data

representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system. A person of ordinary skill in the art would have been motivated to have the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system because the user will want to know whether or not the software tested on the platform passed or failed.

38. Claims 33,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bischof et al. in view of High-Tech Dictionary Definition (system memory).

39. As per claims 33,37, Bischof et al. fails to explicitly state wherein the one or more compute-readable storage media include system memory.

High-Tech Dictionary Definition discloses this on page 1.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more computer-readable media include system memory. A person of ordinary skill in the art would have been motivated to have the one or more computer-readable media include system memory because the system memory is used to stored important programs thereon.

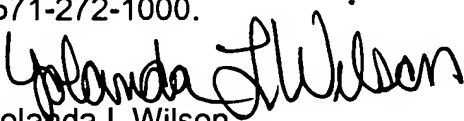
***Response to Arguments***

40. Applicant's arguments with respect to claims 1-37 have been considered and the previous rejection has been withdrawn. A new reference, Bischof et al. as disclosed above, has been found to reject the claims previously cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yolanda L. Wilson  
Examiner  
Art Unit 2113